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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 687 (1991)

1. The present report is submitted in pursuance of Security Council resolution 687 (1991) of 3 April 1991. In paragraph 5 of that resolution, the Council established a demilitarized zone along the boundary between Iraq and Kuwait and requested the Secretary-General to submit to the Council, within three days, for approval a plan for the immediate deployment of a United Nations observer unit.

Terms of reference

2. In accordance with paragraph 5 of resolution 687 (1991), the terms of reference of the unit, which I propose should be called the "United Nations Iraq-Kuwait Observation Mission" (UNIKOM), would be:

(a) To monitor the Khor Abdullah and a demilitarized zone extending 10 kilometres into Iraq and 5 km into Kuwait from the boundary referred to in the Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters of 4 October 1963; 1/

(b) To deter violations of the boundary through its presence in and surveillance of the demilitarized zone;

(c) To observe any hostile or potentially hostile action mounted from the territory of one State to the other.

General principles

3. Four essential conditions would have to be met for UNIKOM to be effective: first, it would need to have at all times the confidence and backing of the Security Council. Second, it would have to be given the necessary cooperation of the parties. Third, it would have to function as an integrated and efficient military unit. Fourth, adequate financial arrangements would have to be made to cover its costs.

4. In accordance with established principles,

(a) UNIKOM would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. Command in the field would be exercised by a Chief Military Observer appointed by the Secretary-General with the consent of the Security Council. The Chief Military Observer would be responsible to the Secretary-General. The Secretary-General would report regularly to the Security Council on the operations of UNIKOM and immediately if there were serious violations of the demilitarized zone or potential threats to peace. All matters that might affect the nature or the continued effective functioning of UNIKOM would be referred to the Council for its decision;

(b) UNIKOM would be composed of military contingents provided by Member States at the request of the Secretary-General. The military contingents would be selected in consultation with the parties and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographic representation;

(c) As recommended below, the contingents would comprise armed and unarmed military personnel. UNIKOM and its personnel would be authorized to use force only in self-defence;

(d) UNIKOM would proceed on the assumption that the parties would take all the necessary steps to comply with the decisions of the Security Council. It would have to have the freedom of movement and communication and other rights and facilities that would be necessary for the performance of its tasks. UNIKOM and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations; agreements with the host Governments concerning the status of UNIKOM would have to be concluded without delay. The Governments of Iraq and Kuwait would be expected to provide, free of charge, the land and premises required by UNIKOM.

Considerations relevant to the discharge of the mandate

5. As an observation mission, UNIKOM would be required to monitor and observe and would not be expected and, indeed, would not be authorized to take physical action to prevent the entry of military personnel or equipment into the demilitarized zone. Further, it is my understanding that the clause requiring UNIKOM to "observe any hostile or potentially hostile action mounted from the territory of one State to the other" refers to activities that can be observed in or from the Khor Abdullah and the demilitarized zone.

6. UNIKOM would not assume responsibilities that fall within the competence of the host Governments and would avoid unnecessary interference in the normal civilian life of the area. It is assumed that the Governments of Iraq and Kuwait would each carry out all aspects of civilian administration in their respective part of the demilitarized zone, including the maintenance of law and order. At the same time, if UNIKOM is to be effective, it would need to have certain powers and facilities. In this connection, the two Governments would be expected to extend to UNIKOM full freedom of movement, on land and through the air, across the border and

throughout the demilitarized zone; to control movement into and out of the demilitarized zone by requiring all traffic to be routed past United Nations observation posts; to notify UNIKOM in advance of sea and air traffic in the demilitarized zone and the Khor Abdullah; and to establish limitations on the right of their citizens to bear arms in the demilitarized zone. Further details regarding the regulation of activities in the demilitarized zone and the Khor Abdullah would be worked out in consultation with the two Governments, including the number and armament of police deployed in the area.

Area of operation

7. The demilitarized zone is about 200 km long, the Khor Abdullah about 40 km. For the most part, the zone is barren and almost uninhabited, except for the oilfields and two towns, Umm Qasr and Safwan. A small airfield is at Safwan. A port and airfield are at Umm Qasr, which became Iraq's only outlet to the sea after the Shatt al-Arab was blocked. A number of roads cross the demilitarized zone, most of them in the eastern part, but the terrain makes cross-country travel easy, and the inhabitants, particularly the bedouins, are accustomed to moving freely throughout the area and across the border.

Concept of operation

8. In order to carry out the mandate defined by the Security Council, UNIKOM would monitor the situation (on a continuing basis) to ensure that no military personnel and equipment were within the demilitarized zone and that no military fortifications and installations were maintained in it. To this end, it would:

(a) Monitor the withdrawal of any armed forces now in the zone which is to be demilitarized;

(b) Operate observation posts on the main roads to monitor traffic into and out of the demilitarized zone;

(c) Operate observation posts at selected locations in the demilitarized zone;

(d) Conduct patrols throughout the demilitarized zone by land and by air;

(e) Monitor the Khor Abdullah from observation posts set up on its shores and from the air;

(f) Carry out investigations.

Requirements

9. The tasks defined above are essentially tasks for military observers. However, in the circumstances obtaining in the UNIKOM area of operations, they could not be carried out by military observers alone. This is for three main reasons.

10. First, the area of operations, apart from Umm Qasr and territory to the east of it, is currently controlled by the forces of Member States cooperating with Kuwait. As those forces bring their military presence in Iraq to an end, in accordance with paragraph 6 of resolution 687 (1991), there is a risk that disorder would ensue, at least for a period of time. In particular, the forces of Member States cooperating with Kuwait are at present providing humanitarian assistance to some tens of thousands of refugees and displaced persons, many of them in what will become the UNIKOM area of operations. I am taking urgent steps to arrange for the United Nations system to provide such humanitarian support as may be needed by these people. It is also hoped that the host Governments' police forces would soon be in a position to maintain law and order in their respective parts of the demilitarized zone. Nevertheless, during this delicate transitional phase there might well be a threat to the security of UNIKOM personnel, equipment and supplies. My plan therefore includes the provision of an infantry element to ensure UNIKOM's security at that stage.

11. Second, I have been informed by Member States cooperating with Kuwait that mines and unexploded ordnance are a serious hazard in the area. Considerable effort would be required to clear areas required for UNIKOM observation posts and other installations, to make existing roads and tracks safe for patrolling and to establish additional tracks to enable UNIKOM to patrol the length and breadth of the demilitarized zone. Unless satisfactory arrangements can be made to complete this work before UNIKOM is deployed, the mission would have to include a field engineer unit.

12. Third, the demilitarized zone is barren and sparsely populated, the climate is harsh and the infrastructure in the area has suffered greatly. The military observers would therefore need a greater degree of logistic support than is the case in areas that are more settled and have less severe climates. There would thus be a continuing need for a logistic unit.

13. To carry out the tasks described in paragraph 8 above, a group of 300 military observers would be required initially, although this number would be reviewed as the mission gained experience and refined its methods. As regards support for the observers, my plan would be to assign temporarily to UNIKOM five infantry companies drawn from existing peace-keeping operations in the region, with the agreement of the troop-contributing Governments concerned. These units would provide essential security for UNIKOM during the setting-up phase. The Chief Military Observer would be instructed to advise me, approximately four weeks after the beginning of the operation, whether he foresaw a continuing need for an infantry element. If he did, I would seek the Council's authority to replace the units temporarily assigned to UNIKOM with one or more battalions on a more permanent basis. As indicated in paragraph 11 above, a field engineer unit would also be required if the necessary clearance of mines and unexploded ordnance had not been completed by the time UNIKOM was deployed. In addition, UNIKOM would have an air unit with fixed-wing aircraft and light helicopters, a logistic unit responsible primarily for medical care, supply and transport, and a headquarters unit. The maximum initial strength of UNIKOM would be approximately 1,440 all ranks, of which the infantry temporarily attached to it from already established missions would be approximately 680, and the field engineer unit, if it is deployed, approximately 300.

14. UNIKOM's headquarters would need to be within the demilitarized zone, where Umm Qasr would seem to be the most suitable location. A logistic base would be established in Kuwait. The military observers and the infantry units would be deployed throughout the demilitarized zone. Liaison offices would be maintained at Baghdad and Kuwait City. At the start of the mission, liaison would also need to be maintained with the forces of the Member States cooperating with Kuwait, whose withdrawal through the demilitarized zone would need to be coordinated with UNIKOM.

15. A preliminary estimate of the cost of UNIKOM and my observations on its financing will be circulated in an addendum to the present report.

Consultations with the parties

16. As already stated, UNIKOM would be able to function effectively only with the full cooperation of the parties. In accordance with resolution 687 (1991), I have informed the Permanent Representatives of Iraq and Kuwait of the plan contained in the present report and requested their urgent confirmation that their respective Governments would cooperate with the United Nations on this basis. I will report further to the Security Council as soon as this has been received.

Notes

1/ United Nations Treaty Series, vol. 485, No. 7063.